



AGRICULTURAL COMMISSIONER/WEIGHTS AND
MEASURES DEPARTMENT

REQUEST FOR PROPOSALS FOR
**WEED, BRUSH and RUBBISH
ABATEMENT SERVICES**

DECEMBER 2009

Prepared By
County of Los Angeles

**REQUEST FOR PROPOSALS (RFP)
FOR WEED ABATEMENT SERVICES**

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1.0 INTRODUCTION

1.1 Purpose

The County of Los Angeles, Agricultural Commissioner/Weights and Measures Department is issuing this Request for Proposals (RFP) to solicit proposals for contracts with organizations which can provide reliable and cost effective weed, brush or rubbish removal services using mechanized equipment (tractors with specialized equipment such as discs or mowers) or work crews primarily using hand-held equipment such as weed eaters or chainsaws. This RFP is for 15 separate contracts based on the type of work or area. Interested proposers can submit a proposal on one or more of the contracts.

The work being solicited may be highly seasonal with peak demand occurring from approximately late spring through summer. The areas where work is to be performed vary by contract and can range from Countywide to specific geographic areas. More detailed information is provided in the RFP packet particularly in APPENDIX A (Sample Contract), APPENDIX B (Statement of Work) and APPENDIX C (Technical Exhibits).

1.2 RFP “Quick Facts” – Is this for you? (Read this first)

WHO ARE WE AND WHAT IS THIS REQUEST FOR PROPOSALS (RFP)?

We are the Los Angeles County, Department of Agricultural Commissioner/Weights and Measures (ACWM). One of our key missions is to provide safety from fires through a weed and brush abatement program which focuses on vacant properties throughout much of the County. We also provide rubbish abatement in certain areas of the County. While most of the 27,000 property owners involved in the program maintain their own properties free from hazardous weeds or brush, ACWM does the work on a significant number of them. Last year, we cleared over 3,800 acres using County crews or vendors working under contract with the department. This RFP is how ACWM solicits the vendors to do this important work.

We understand that the RFP and related documents can be difficult to read and can even be a little intimidating, especially if you are new to the system. For these reasons, we are providing you with this quick guide in plain language to help you decide if this is the kind of service you and your company are capable of providing and whether or not you should continue reading the entire RFP. This Quick Facts guide is for general information and does not supersede any requirements of the solicitation document or resulting contract.

WHAT ARE WE LOOKING FOR?

Basically, we are looking for reliable contractors who can provide weed or brush clearing using two main methods, which are: hand removal (handwork) and tractor clearing (tractor work). The following is more information on each one:

Handwork

Handwork contracts involve clearing of weeds or brush using hand-held equipment like weed eaters and chainsaws. In most cases, very dry weeds are simply “mulched down” using weed eaters and left on the property, while larger plants, branches, brush, etc., are removed and taken to a landfill. Depending on the specifics of the contract, brush and branches can also be chipped and left on site.

Most of the handwork contracts are for a specific region of the County, but some of them, like poison oak removal, may be for the entire County. If you don't want to travel long distances, the countywide contracts may not be for you.

For handwork contracts, the proposal, contract and work are by area and not by the job or by the hour. The area is a 100 square foot area we call a “unit.” In other words, if you submit a proposal, you will be telling us how much you will charge to clear 100 square feet of area. Contracts range from about 1,000 units to 45,000 units. If you get one of the contracts, expect individual jobs to

range in size from dozens to hundreds of units. More information on the weed abatement “unit” is provided in APPENDIX C (Technical Exhibits).

Work is assigned to a contractor in a “packet” containing maps and other information for up to dozens of vacant parcels of land which are to be cleared according to the contract or special instructions. The size of each job (number of “units”) is predetermined by ACWM. The contractor must complete the packet of work within a specified timeframe, usually 14 days. All of the work is expected to be performed independently by the contractor and his or her staff without direct supervision from ACWM personnel. After the work is done, someone from ACWM inspects the work and authorizes payment to the contractor.

[Tractor Work](#)

Tractor work contracts involve weed and brush clearing using tractors with attachments like discs and mowers. Most of the tractor **mowing** contracts require fairly standard, medium duty tractors with rubber tires. However, most of the tractor **discing** contracts require a very specialized type of track layer (crawler) tractor which may be difficult to obtain. There are some exceptions so read the STATEMENT OF WORK and information in the sections called *Tractor Contracts Available for 2010-2011*.

Most of the tractor work is proposed and worked by the hour. In other words, the contractor submits a proposal on the cost per hour to provide the equipment and personnel to transport and operate the equipment. Work is performed under the direct supervision of ACWM personnel.

There is a smaller amount of tractor work called “Square Foot” discing and “acreage” mowing that is proposed and worked by the area instead of by the hour. Under this type of contract, work is assigned to a Contractor in a “packet” containing maps and other information for up to dozens of vacant parcels of land which are to be cleared according to the STATEMENT OF WORK or

special instructions. The contractor must complete the packet of work within a specified timeframe, usually 14 days. All of the work is expected to be performed independently by the contractor and his or her staff without direct supervision from ACWM personnel. After the work is done, someone from ACWM inspects the work and authorizes payment to the contractor. Some of the Square Foot discing contracts also require hand trimming of weeds along sidewalks or other perimeters. Read the individual contracts carefully and ask us as many questions as necessary within the prescribed timeframe.

OTHER THINGS TO CONSIDER

Seasonal Workload

Since the main mission of ACWM's weed and brush abatement program is to provide timely fire protection, there is tremendous pressure to get most of the clearance work done *before* the fire season. This means most of the requests for work will be during the late spring and early summer. If you are already in the business of weed and brush removal, this could also be when most of your other clients are demanding work. One of the things you will need to consider is whether or not you are capable of handling this workload peak.

Submitting a Proposal On More Than One Contract

You may submit a proposal on more than one of the available contracts. However, the minimum requirements listed are for one contract. Therefore, in order to qualify for more than one contract, you must be able to clearly demonstrate your ability to handle the additional work.

Weather

All of our contracts are based on our best estimate of the upcoming season's rainfall as well as other factors like how many property owners are likely to do their own weed and brush abatement. Low rainfall can result in significant reductions in the amount of work we will need from a contractor.

Travel Time

Some of the contracts are for work in specific regions of the County and some are for work Countywide. Make sure you take into consideration the distance from your office or equipment yard.

1.3 Overview of Proposal Submission Procedures

- STEP 1** Read the RFP “Quick Facts,” (Section 1.2) of the RFP, to get a general idea if this is the kind of service your company can provide.
- STEP 2** Read RFP, Appendix B, STATEMENT OF WORK, Sections 4 and 5 to see what contracts are currently available.
- STEP 3** Read the RFP, Appendix A SAMPLE CONTRACT, and Appendix B, STATEMENT OF WORK, to make sure you can comply with all of the requirements.
- STEP 4** Decide which of the available contracts you would like to submit a Proposal on.
- STEP 5** Go to the RFP, Appendix D, and complete all of the Required Forms.
- STEP 6** Using the Appendix D REQUIRED FORMS Checklist (Form P-2), make sure you have completed all of the Required Forms.
- STEP 7** Send or deliver the all the Required Forms in a sealed packet, with the words “Proposal for Weed Abatement Services” on the upper left corner, to:

Los Angeles County
Agricultural Commissioner/Weights and Measures Department
Attn: Weed Abatement Division
12300 Lower Azusa Road
Arcadia, CA 91006-5872

- STEP 8** Register on the County’s WebVen (see RFP Section 1.12).

1.4 Overview of Solicitation Document

This Request for Proposals (RFP) is composed of the following parts:

- **INTRODUCTION:** Specifies the Proposer’s minimum requirements, provides information regarding the requirements of the Contract and the solicitation process.
- **PROPOSAL SUBMISSION REQUIREMENTS:** Includes instructions to Proposers in how to prepare and submit their proposal.

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- **SELECTION PROCESS AND EVALUATION CRITERIA:** Includes information on how the proposals will be selected and evaluated.
 - **APPENDICES:**
 - **A - SAMPLE CONTRACT:** Identifies the terms and conditions in the Contract.
 - **B - STATEMENT OF WORK:** Explains in detail the required services to be performed by the Contract.
 - **C - SOW TECHNICAL EXHIBITS:** Exhibits to the Statement of Work.
 - **D - REQUIRED FORMS:** Forms that must be completed and included in the proposal.
 - **E - TRANSMITTAL FORM TO REQUEST A SOLICITATION REQUIREMENTS REVIEW:** Transmittal sent to Department requesting a Solicitation Requirements Review
 - **F - COUNTY OF LOS ANGELES POLICY ON DOING BUSINESS WITH SMALL BUSINESS:** County policy.
 - **G - JURY SERVICE ORDINANCE:** County Code.
 - **H - LISTING OF CONTRACTORS DEBARRED IN LOS ANGELES COUNTY:** Contractors who are not allowed to contract with the County for a specific length of time.
 - **I - IRS NOTICE 1015:** Provides information on Federal Earned Income Credit.
 - **J - SAFELY SURRENDERED BABY LAW:** County program.
 - **K - COUNTY'S DEFAULTED PROPERTY TAX REDUCTION PROGRAM**

1.5 Terms and Definitions

Throughout this RFP, references are made to certain persons, groups, or Departments/Agencies. For convenience, a description of specific definitions can be found in APPENDIX A – SAMPLE CONTRACT and in APPENDIX B – STATEMENT OF WORK.

1.6 Minimum Mandatory Requirements

Interested and qualified Proposers that can demonstrate their ability to successfully provide the required services outlined in APPENDIX B, STATEMENT OF WORK, of this RFP are invited to submit Proposals, provided they meet the following requirements.

Proposers must have and list a minimum of two year's experience within the last ten years in the type and scope (amount, conditions, etc.) of work using the type of equipment required. A minimum of three contracts, for this listed experience, from at least two different companies or agencies, must be included in the Proposal using the forms provided (APPENDIX D, REQUIRED FORMS). Minimum requirements for equipment and personnel may vary from contract to contract. These additional minimum requirements are listed in APPENDIX B, STATEMENT OF WORK. Three references along with current contact information must be submitted using the forms provided (APPENDIX D, REQUIRED FORMS).

1.7 County Rights & Responsibilities

The County has the right to amend the RFP by written addendum. The County is responsible only for that which is expressly stated in the solicitation document and any authorized written addenda thereto. Such addendum shall be made available to each person or organization which County records indicate has received this RFP. Should such addendum require additional information not previously requested, failure to address the requirements of such addendum may result in the Proposal not being considered, as determined in the sole discretion of the County. The County is not responsible for and shall not be bound by any representations otherwise made by any individual acting or purporting to act on its behalf.

1.8 Contract Term

1.8.1 The Contract term shall be for a period of one (1) year. The Contract shall commence on July 1, 2010, following Board of Supervisors' award, and expire on June 30, 2011.

1.8.2 The Contract may be extended at the sole discretion of the Commissioner upon mutual agreement with the Contractor in writing for two (2) additional 12-month periods.

1.8.3 The Contract may be extended at the sole discretion of the Commissioner beyond the expiration date and upon mutual agreement with the Contractor in writing, on a month-to-month basis for a period of time not to exceed six (6) months. All terms of the contract in effect at the time of extending the term shall remain in effect for the duration of the extension.

1.9 Contract Rates

The Contractor's rates shall remain firm and fixed for the term of the Contract except as provided in 1.9.1 of this subsection.

1.9.1 Upon mutual agreement, in writing, between the Contractor and the Department, a contractor may be asked to perform work in an area other than that designated in his or her Contract. In this case, the Contractor will be compensated at the rate equal to the Contractor's existing contract, or at the rate established in the new area. If the County determines neither of these rates is in the best interest of the County, it may set a rate which is mutually agreed upon between the County and the Contractor.

1.10 Contact with County Personnel

All contact regarding this RFP or any matter relating thereto must be in writing and may be mailed, e-mailed or faxed as follows:

Myrna Madrid
12300 Lower Azusa Road, Arcadia, CA 91006
mmadrid@acwm.lacounty.gov
Fax#: (626) 350-7077

If it is discovered that Proposer contacted and received information from any County personnel, other than the person specified above, regarding this solicitation, County, in its sole determination, may disqualify their proposal from further consideration.

1.11 Final Contract Award by the Board of Supervisors

Notwithstanding a recommendation of a Department, agency, individual, or other, the Board of Supervisors retains the right to exercise its judgment concerning the selection of a proposal and the terms of any resultant agreement, and to determine which proposal best serves the interests of the County. The Board is the ultimate decision making body and makes the final determinations necessary to arrive at a decision to award, or not award, a contract.

1.12 Mandatory Requirement to Register on County's WebVen

Prior to a contract award, all potential Contractors must register in the County's WebVen. The WebVen contains the Vendor's business profile and identifies the goods/services the business provides. Registration can be accomplished online via the Internet by accessing the County's home page at http://lacounty.info/doing_business/main_db.htm. Proposal information is located under Class Code 988 and Sub-Class Code 98889.

1.13 County Option to Reject Proposals

The County may, at its sole discretion, reject any or all proposals submitted in response to this RFP. The County shall not be liable for any costs incurred by the Proposer in connection with the preparation and submission of any proposal. The County reserves the right to waive inconsequential disparities in a submitted proposal.

1.14 Protest Policy Review Process

1.14.1 Under Board Policy No. 5.055 (Services Contract Solicitation Protest), any prospective Proposer may request a review of the requirements under a solicitation for a Board-approved services contract, as described in Section 1.14.3 below. Additionally, any actual Proposer may request a review of a disqualification or of a proposed contract award under such a solicitation, as described respectively in the Sections below. Under any such review, it is the responsibility of the Proposer challenging the decision of a County Department to demonstrate that the Department committed a sufficiently material error in the solicitation process to justify invalidation of a solicitation or a proposed contract award, as the case may be.

1.14.2 Throughout the review process, the County has no obligation to delay or otherwise postpone an award of contract based on a Proposer protest. In all cases, the County reserves the right to make an award when it is determined to be in the best interest of the County of Los Angeles to do so.

1.14.3 Grounds for Review

Unless state or federal statutes or regulations otherwise provide, the grounds for review of a solicitation for a Board-approved services contract provided for under Board Policy No. 5.055 are limited to the

following:

- Review of Solicitation Requirements (Reference Sub-paragraph 2.4 in the Proposal Submission Requirements Section)
- Review of a Disqualified Proposal (Reference Sub-paragraph 3.3 in the Selection Process and Evaluation Criteria Section)
- Review of Proposed Contractor Selection (Reference Sub-paragraph 3.9 in the Selection Process and Evaluation Criteria Section)

1.15 Notice to Proposers Regarding the Public Records Act

1.15.1 Responses to this solicitation shall become the exclusive property of the County. Absent extraordinary circumstances, at such time as (a) with respect to the recommended Proposer's proposal, the Department completes contract negotiations and obtains a letter from an authorized officer of the recommended Proposer that the negotiated contract is a firm offer of the recommended Proposer, which shall not be revoked by the recommended Proposer pending the Department's completion of the process under Board Policy No. 5.055 and approval by the Board of Supervisors (Board) and (b) with respect to each Proposer requesting a County Review Panel, the County Review Panel convenes as a result of such Proposers' request, and (c) with respect to all other Proposers, The Department recommends the recommended Proposer(s) to the Board and such recommendation appears on the Board agenda, proposals submitted in response to this solicitation become a matter of public record, with the exception of those parts of each proposal which are justifiably defined as business or trade secrets, and, if by the proposer, plainly marked as "Trade Secret," "Confidential," or "Proprietary."

1.15.2 The County shall not, in any way, be liable or responsible for the disclosure of any such record or any parts thereof, if disclosure is required or permitted under the California Public Records Act or

otherwise by law. **A blanket statement of confidentiality or the marking of each page of the proposal as confidential shall not be deemed sufficient notice of exception. The Proposers must specifically label only those provisions of their respective proposal which are "Trade Secrets," "Confidential," or "Proprietary" in nature.**

1.16 Indemnification and Insurance

Contractor shall be required to comply with the indemnification provisions contained in the - APPENDIX A, SAMPLE CONTRACT, Sub-paragraph 8.21. The Contractor shall procure, maintain, and provide to the County proof of insurance coverage for all the programs of insurance along with associated amounts specified in the APPENDIX A, SAMPLE CONTRACT, Sub-paragraphs 8.22 and 8.23.

1.17 SPARTA Program

A County program, known as 'SPARTA' (Service Providers, Artisan and Tradesman Activities) may be able to assist potential Contractors in obtaining affordable liability insurance. The SPARTA Program is administered by the County's insurance broker, Municipality Insurance Services, Inc. For additional information, Proposers may call Municipality Insurance Services at (800) 420-0555, or can access their website directly at www.2sparta.com.

1.18 Injury & Illness Prevention Program (IIPP)

Contractor shall be required to comply with the State of California's Cal OSHA's regulations. Section 3203 of Title 8 in the California Code of Regulations requires all California employers to have a written, effective Injury and Illness Prevention Program (IIPP) that addresses hazards pertaining to the particular workplace covered by the program.

1.19 Conflict of Interest

No County employee whose position in the County enables him/her to influence the selection of a Contractor for this RFP, or any competing RFP, nor any spouse or economic dependent of such employees, shall be employed in any capacity by a Proposer or have any other direct or indirect financial interest in the selection of a Contractor. Proposer shall certify that he/she is aware of and has read Section 2.180.010 of the Los Angeles County Code as stated in APPENDIX D - REQUIRED FORMS, P-8, Certification of No Conflict of Interest.

1.20 Determination of Proposer Responsibility

- 1.20.1 A responsible Proposer is a Proposer who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity and experience to satisfactorily perform the contract. It is the County's policy to conduct business only with responsible Proposers.
- 1.20.2 Proposers are hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may determine whether the Proposer is responsible based on a review of the Proposer's performance on any contracts, including but not limited to County contracts. Particular attention will be given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by the Proposer against public entities. Labor law violations which are the fault of the subcontractors and of which the Proposer had no knowledge shall not be the basis of a determination that the Proposer is not responsible.
- 1.20.3 The County may declare a Proposer to be non-responsible for purposes of this contract if the Board of Supervisors, in its discretion, finds that the Proposer has done any of the following: (1) violated a term of a contract with the County or a nonprofit corporation created by the County; (2) committed an act or omission which negatively reflects on the Proposer's quality, fitness or capacity to perform a

contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same; (3) committed an act or omission which indicates a lack of business integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.

- 1.20.4 If there is evidence that the apparent highest ranked Proposer may not be responsible, the Department shall notify the Proposer in writing of the evidence relating to the Proposer's responsibility, and its intention to recommend to the Board of Supervisors that the Proposer be found not responsible. The Department shall provide the Proposer and/or the Proposer's representative with an opportunity to present evidence as to why the Proposer should be found to be responsible and to rebut evidence which is the basis for the Department's recommendation.
- 1.20.5 If the Proposer presents evidence in rebuttal to the Department, the Department shall evaluate the merits of such evidence, and based on that evaluation, make a recommendation to the Board of Supervisors. The final decision concerning the responsibility of the Proposer shall reside with the Board of Supervisors.
- 1.20.6 These terms shall also apply to proposed subcontractors of Proposers on County contracts.

1.21 Proposer Debarment

- 1.21.1 The Proposer is hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may debar the Proposer from bidding or proposing on, or being awarded, and/or performing work on other County contracts for a specified period of time, which

generally will not exceed five (5) years but may exceed five (5) years or be permanent if warranted by the circumstances, and the County may terminate any or all of the Proposer's existing contracts with County, if the Board of Supervisors finds, in its discretion, that the Proposer has done any of the following: (1) violated a term of a contract with the County or a nonprofit corporation created by the County; (2) committed an act or omission which negatively reflects on the Proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same; (3) committed an act or offense which indicates a lack of business integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.

1.21.2 If there is evidence that the apparent highest ranked Proposer may be subject to debarment, the Department shall notify the Proposer in writing of the evidence which is the basis for the proposed debarment, and shall advise the Proposer of the scheduled date for a debarment hearing before the Contractor Hearing Board.

1.21.3 The Contractor Hearing Board shall conduct a hearing where evidence on the proposed debarment is presented. The Proposer and/or Proposer's representative shall be given an opportunity to submit evidence at that hearing. After the hearing, the Contractor Hearing Board shall prepare a tentative proposed decision, which shall contain a recommendation regarding whether the Proposer should be debarred, and, if so, the appropriate length of time of the debarment. The Proposer and the Department shall be provided an opportunity to object to the tentative proposed decision prior to its presentation to the Board of Supervisors.

1.21.4 After consideration of any objections, or if no objections are received, a record of the hearing, the proposed decision and any other

recommendation of the Contractor Hearing Board shall be presented to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny or adopt the proposed decision and recommendation of the Contractor Hearing Board.

1.21.5 If a Proposer has been debarred for a period longer than five (5) years, that Proposer may, after the debarment has been in effect for at least five (5) years, submit a written request for review of the debarment determination to reduce the period of debarment or terminate the debarment. The County may, in its discretion, reduce the period of debarment or terminate the debarment if it finds that the Proposer has adequately demonstrated one or more of the following: (1) elimination of the grounds for which the debarment was imposed; (2) a bona fide change in ownership or management; (3) material evidence discovered after debarment was imposed; or (4) any other reason that is in the best interests of the County.

1.21.6 The Contractor Hearing Board will consider requests for review of a debarment determination only where (1) the Proposer has been debarred for a period longer than five (5) years; (2) the debarment has been in effect for at least five (5) years; and (3) the request is in writing, states one or more of the grounds for reduction of the debarment period or termination of the debarment, and includes supporting documentation. Upon receiving an appropriate request, the Contractor Hearing Board will provide notice of the hearing on the request. At the hearing, the Contractor Hearing Board shall conduct a hearing where evidence on the proposed reduction of debarment period or termination of debarment is presented. This hearing shall be conducted and the request for review decided by the Contractor Hearing Board pursuant to the same procedures as for a debarment hearing.

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- 1.21.7 The Contractor Hearing Board's proposed decision shall contain a recommendation on the request to reduce the period of debarment or terminate the debarment. The Contractor Hearing Board shall present its proposed decision and recommendation to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.
- 1.21.8 These terms shall also apply to proposed subcontractors of Proposers on County contracts.
- 1.21.9 APPENDIX H provides a link to the County's website where there is a listing of Contractors that are currently on the Debarment List for Los Angeles County.

1.22 Proposer's Adherence to County's Child Support Compliance Program

Proposers shall: 1) fully comply with all applicable State and Federal reporting requirements relating to employment reporting for its employees; and 2) comply with all lawfully served Wage and Earnings Assignment Orders and Notice of Assignment and continue to maintain compliance during the term of any contract that may be awarded pursuant to this solicitation. Failure to comply may be cause for termination of a contract or initiation of debarment proceedings against the non-compliant Contractor (County Code Chapter 2.202).

1.23 Gratuities

1.23.1 Attempt to Secure Favorable Treatment

It is improper for any County officer, employee or agent to solicit consideration, in any form, from a Proposer with the implication, suggestion or statement that the Proposer's provision of the

consideration may secure more favorable treatment for the Proposer in the award of the Contract or that the Proposer's failure to provide such consideration may negatively affect the County's consideration of the Proposer's submission. A Proposer shall not offer or give either directly or through an intermediary, consideration, in any form, to a County officer, employee or agent for the purpose of securing favorable treatment with respect to the award of the Contract.

1.23.2 Proposer Notification to County

A Proposer shall immediately report any attempt by a County officer, employee or agent to solicit such improper consideration. The report shall be made either to the County manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (800) 544-6861. Failure to report such a solicitation may result in the Proposer's submission being eliminated from consideration.

1.23.3 Form of Improper Consideration

Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

1.24 Notice to Proposers Regarding the County Lobbyist Ordinance

The Board of Supervisors of the County of Los Angeles has enacted an ordinance regulating the activities of persons who lobby County officials. This ordinance, referred to as the "Lobbyist Ordinance", defines a County Lobbyist and imposes certain registration requirements upon individuals meeting the definition. The complete text of the ordinance can be found in County Code Chapter 2.160. In effect, each person, corporation or other entity that seeks a County permit, license, franchise or contract must certify compliance with the ordinance. As part of this solicitation process, it will be the responsibility of each Proposer to review the ordinance independently as the text of said

ordinance is not contained within this RFP. Thereafter, each person, corporation or other entity submitting a response to this solicitation, must certify that each County Lobbyist, as defined by Los Angeles County Code Section 2.160.010, retained by the Proposer is in full compliance with Chapter 2.160 of the Los Angeles County Code and each such County Lobbyist is **not** on the Executive Office's List of Terminated Registered Lobbyists by completing and submitting the Familiarity with the County Lobbyist Ordinance Certification, as set forth in APPENDIX D - REQUIRED FORMS, P-9, as part of their proposal.

1.25 Federal Earned Income Credit

The Contractor shall notify its employees, and shall require each subcontractor to notify its employees, that they may be eligible for the Federal Earned Income Credit under the federal income tax laws. Such notice shall be provided in accordance with the requirements set forth in Internal Revenue Service Notice No. 1015. (APPENDIX I).

1.26 Consideration of GAIN/GROW Participants for Employment

As a threshold requirement for consideration for contract award, Proposers shall demonstrate a proven record of hiring participants in the County's Department of Public Social Services Greater Avenues for Independence (GAIN) or General Relief Opportunity for Work (GROW) Programs or shall attest to a willingness to consider GAIN/GROW participants for any future employment openings if they meet the minimum qualifications for that opening. Additionally, Proposers shall attest to a willingness to provide employed GAIN/GROW participants access to the Proposers' employee mentoring program, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities. Proposers who are unable to meet this requirement shall not be considered for contract award. Proposers shall complete and return the form, Attestation of Willingness to Consider GAIN/GROW Participants, as set forth in APPENDIX D - REQUIRED FORMS, P-12, along with their proposal.

1.27 County's Quality Assurance Plan

After contract award, the Department will evaluate the Contractor's performance under the contract twice per year. Such evaluations will include assessing Contractor's compliance with all terms in the Contract and performance standards identified in the Statement of Work. Contractor's deficiencies which the Department determines are severe or continuing and that may jeopardize performance of the Contract will be reported to the County's Board of Supervisors. The report will include improvement/corrective action measures taken by the Department and Contractor. If improvement does not occur consistent with the corrective action measures, the County may terminate the Contract in whole or in part, or impose other penalties as specified in the Contract. A copy of the Contractor Evaluation Form is available for review in APPENDIX C – TECHNICAL EXHIBITS.

1.28 Recycled Bond Paper

Proposer shall be required to comply with the County's policy on recycled bond paper as specified in APPENDIX A, SAMPLE CONTRACT, Sub-paragraph 8.35.

1.29 Safely Surrendered Baby Law

The Contractor shall notify and provide to its employees, and shall require each subcontractor to notify and provide to its employees, a fact sheet regarding the Safely Surrendered Baby Law, its implementation in Los Angeles County, and where and how to safely surrender a baby. The fact sheet is set forth in APPENDIX J of this solicitation document and is also available on the Internet at www.babysafela.org for printing purposes.

1.30 County Policy on Doing Business with Small Business

1.30.1 The County has multiple programs that address small businesses.
The Board of Supervisors encourages small business participation in

the County's contracting process by constantly streamlining and simplifying our selection process and expanding opportunities for small businesses to compete for our business.

1.30.2 The Local Small Business Enterprise Preference Program requires the Company to complete a certification process. This program and how to obtain certification are further explained in Sub-paragraph 1.32 of this Section.

1.30.3 The Jury Service and Living Wage Programs, provide exceptions to the Programs if a company qualifies as a Small Business. It is important to note that each Program has a different definition for Small Business. You may qualify as a Small Business in one Program but not the other. Further explanations of these two Programs are provided in Sub-paragraph 1.31 - Jury Service Program.

1.30.4 The County also has a Policy on Doing Business with Small Business that is outlined in APPENDIX F.

1.31 Jury Service Program

The prospective contract is subject to the requirements of the County's Contractor Employee Jury Service Ordinance ("Jury Service Program") (Los Angeles County Code, Chapter 2.203). Prospective Contractors should carefully read the Jury Service Ordinance, APPENDIX G, and the pertinent jury service provisions of the SAMPLE CONTRACT, APPENDIX A, Sub-paragraph 8.7, both of which are incorporated by reference into and made a part of this RFP. The Jury Service Program applies to both Contractors and their Subcontractors.

Proposals that fail to comply with the requirements of the Jury Service Program will be considered non-responsive and excluded from further consideration.

1.31.1 The Jury Service Program requires Contractors and their Subcontractors to have and adhere to a written policy that provides that its employees shall receive from the Contractor, on an annual basis, no less than five days of regular pay for actual jury service. The policy may provide that employees deposit any fees received for such jury service with the Contractor or that the Contractor deduct from the employee's regular pay the fees received for jury service. For purposes of the Jury Service Program, "employee" means any California resident who is a full-time employee of a Contractor and "full-time" means 40 hours or more worked per week, or a lesser number of hours if: 1) the lesser number is a recognized industry standard as determined by the County, or 2) the Contractor has a long-standing practice that defines the lesser number of hours as full-time. Therefore, the Jury Service Program applies to all of a Contractor's full-time California employees, even those not working specifically on the County project. Full-time employees providing short-term, temporary services of 90 days or less within a 12-month period are not considered full-time for purposes of the Jury Service Program.

1.31.2 There are two ways in which a Contractor might not be subject to the Jury Service Program. The first is if the Contractor does not fall within the Jury Service Program's definition of "Contractor". The Jury Service Program defines "Contractor" to mean a person, partnership, corporation or other entity which has a contract with the County or a Subcontract with a County Contractor and has received or will receive an aggregate sum of \$50,000 or more in any 12-month period under one or more County contracts or subcontracts. The second is if the Contractor meets one of the two exceptions to the Jury Service Program. The first exception concerns small businesses and applies to Contractors that have 1) ten or fewer employees; and, 2) annual gross revenues in the preceding twelve months which, if added to the annual amount of this Contract is less than \$500,000, and, 3) is not an

“affiliate or subsidiary of a business dominant in its field of operation”. The second exception applies to Contractors that possess a collective bargaining agreement that expressly supersedes the provisions of the Jury Service Program. The Contractor is subject to any provision of the Jury Service Program not expressly superseded by the collective bargaining agreement.

- 1.31.3 If a Contractor does not fall within the Jury Service Program’s definition of “Contractor” or if it meets any of the exceptions to the Jury Service Program, then the Contractor must so indicate in the Certification Form and Application for Exception, APPENDIX D - Required Form P-13, and include with its submission all necessary documentation to support the claim such as tax returns or a collective bargaining agreement, if applicable. Upon reviewing the Contractor’s application, the County will determine, in its sole discretion, whether the Contractor falls within the definition of Contractor or meets any of the exceptions to the Jury Service Program. The County’s decision will be final.

1.32 Local Small Business Enterprise Preference Program

- 1.32.1 The County will give Local SBE preference during the solicitation process to businesses that meet the definition of a Local Small Business Enterprise (Local SBE), consistent with Chapter 2.204.030C.1 of the Los Angeles County Code. A Local SBE is defined as: 1) A business certified by the State of California as a small business and 2) has had its principal office located in Los Angeles County for at least one year. The business must be certified by the Office of Affirmative Action Compliance as meeting the requirements set forth in 1 and 2 above prior to requesting the Local SBE Preference in a solicitation.
- 1.32.2 To apply for certification as a Local SBE, businesses may register at the Office of Affirmative Action Compliance’s web-site at:

1.32.3 Certified Local SBEs must request the SBE Preference in their solicitation responses and may not request the preference unless the certification process has been completed and certification affirmed. Businesses must attach the Local SBE Certification Letter to the Required Form - Request for Local SBE Preference Program Consideration and CBE Firm/Organization Information Form – P-10 in APPENDIX D - REQUIRED FORMS. with their proposal. Sanctions and financial penalties may apply to a business that knowingly, and with intent to defraud, seeks to obtain or maintain certification as a certified Local SBE.

1.32.4 Information about the State's small business enterprise certification regulations is in the California Code of Regulations, Title 2, Subchapter 8, Section 1896 et seq., and is also available on the California Department of General Services Office of Small Business Certification and Resources Web site at <http://www.pd.dgs.ca.gov/smbus/default>.

1.33 Local Small Business Enterprise (SBE) Prompt Payment Program

It is the intent of the County that Certified Local SBEs receive prompt payment for services they provide to County Departments. Prompt payment is defined as 15 calendar days after receipt of an undisputed invoice.

1.34 Notification to County of Pending Acquisitions/Mergers by Proposing Company

The Proposer shall notify the County of any pending acquisitions/mergers of their company. This information shall be provided by the Proposer on Required Form P-3 - *Proposer's Organization Questionnaire/Affidavit*. Failure of the Proposer to provide this information may eliminate its proposal from any further

consideration.

1.35 Transitional Job Opportunities Preference Program

1.35.1 In evaluating proposals, the County will give preference to businesses that are certified by the County as Transitional Job Opportunity vendors, consistent with Chapter 2.205 of the Los Angeles County Code. A Certified Transitional Job Opportunity vendor is, and has been such for three (3) years, an entity: 1) that is a non-profit organization recognized as tax exempt pursuant to section 501 (c) (3) of the Internal Revenue Services Code; set forth, under penalty of perjury, such information as requested by the County on either electronic or hard copy forms, along with their application form and three most recent annual tax returns to the Department with their proposal response to the contracting solicitation for which they are competing; 2) has been in operation for at least one year providing transitional job and the related supportive services to program participants; and 3) provide a profile of their program with a description of their program components designed to assist program participants, number of past program participants, and any other information requested by a contracting Department.

1.35.2 Transitional Job Opportunities vendors must request the preference in their solicitation response and may not receive the preference until their certification has been affirmed by the applicable Department. County must verify the Transitional Job Opportunity vendor certification prior to applying the preference. Sanctions and financial penalties may apply to a Proposer that knowingly and with intent to defraud seeks to obtain or maintain certification as a Transitional Job Opportunities vendor.

1.35.3 To request the Transitional Job Opportunities Preference, Proposer must complete the Transitional Job Opportunities Preference

Application – APPENDIX D – REQUIRED FORMS, P-16, and submit it along with all supporting documentation with their proposal.

1.36 Defaulted Property Tax Reduction Program

The prospective contract is subject to the requirements of the County's Defaulted Property Tax Reduction Program ("Defaulted Tax Program") (Los Angeles County Code, Chapter 2.206). Prospective Contractors should carefully read the Defaulted Tax Program Ordinance, APPENDIX K, and the pertinent provisions of APPENDIX A, SAMPLE CONTRACT, sub-paragraph 8.46 and 8.47, both of which are incorporated by reference into and made a part of this solicitation. The Defaulted Tax Program applies to both Contractors and their Subcontractors.

Proposers shall be required to certify that they are in full compliance with the provisions of the Defaulted Tax Program and shall maintain compliance during the term of any contract that may be awarded pursuant to this solicitation or shall certify that they are exempt from the Defaulted Tax Program by completing Required Form P-17, *Certification of Compliance with The County's Defaulted Property Tax Reduction Program*, in APPENDIX D – REQUIRED FORMS. Failure to maintain compliance, or to timely cure defects, may be cause for termination of a contract or initiation of debarment proceedings against the non-compliance contractor (Los Angeles County Code, Chapter 2.202).

Proposals that fail to comply with the certification requirements of the Defaulted Tax Program will be considered non-responsive and excluded from further consideration.

2.0 PROPOSAL SUBMISSION REQUIREMENTS

This Section contains key project dates and activities as well as instructions to Proposers in how to prepare and submit their proposal.

2.1 County Responsibility

The County is not responsible for representations made by any of its officers or employees prior to the execution of the Contract unless such understanding or representation is included in the Contract.

2.2 Truth and Accuracy of Representations

False, misleading, incomplete, or deceptively unresponsive statements in connection with a proposal shall be sufficient cause for rejection of the proposal. The evaluation and determination in this area shall be at the Director's sole judgment and his/her judgment shall be final.

2.3 RFP Timetable

The timetable for this RFP is as follows:

- Release of RFP December 30, 2009
- Request for a Solicitation Requirements Review Due January 14, 2010
- Written Questions Due January 25, 2010
- **Mandatory** Proposers Conference..... January 28, 2010
- Questions and Answers Released February 4, 2010
- **Proposals due by:**

February 11, 2010 at 5:00 P.M., Pacific Standard Time

2.4 Solicitation Requirements Review

Any person or entity may seek a Solicitation Requirements Review by submitting APPENDIX E - Transmittal Form to Request a Solicitation

Requirements Review to the Department conducting the solicitation as described in this Section. A request for a Solicitation Requirements Review may be denied, in the Department's sole discretion, if the request does not satisfy all of the following criteria:

1. The request for a Solicitation Requirements Review is made within ten (10) business days of the issuance of the solicitation document;
2. The request for a Solicitation Requirements Review includes documentation, which demonstrates the underlying ability of the person or entity to submit a proposal.
3. The request for a Solicitation Requirements Review itemizes in appropriate detail, each matter contested and factual reasons for the requested review; and
4. The request for a Solicitation Requirements Review asserts either that:
 - a. application of the minimum requirements, evaluation criteria and/or business requirements unfairly disadvantages the person or entity; or,
 - b. due to unclear instructions, the process may result in the County not receiving the best possible responses from prospective Proposers.

The Solicitation Requirements Review shall be completed and the Department's determination shall be provided to the requesting person or entity, in writing, within a reasonable time prior to the proposal due date.

2.5 Proposers' Questions

Proposers may submit written questions regarding this RFP by mail, fax or e-mail to the individual identified below. All questions must be received by January 25, 2010. All questions, without identifying the submitting company,

will be discussed during the mandatory Proposers Conference. As appropriate, answers will be compiled and issued as a written addendum to the RFP.

When submitting questions, please specify the RFP section number, paragraph number, and page number and quote the language that prompted the question. This will ensure that the question can be quickly found in the RFP. County reserves the right to group similar questions when providing answers.

Questions may address concerns that the application of minimum requirements, evaluation criteria and/or business requirements would unfairly disadvantage Proposers or, due to unclear instructions, may result in the County not receiving the best possible responses from Proposer.

Questions should be addressed to:

Myrna Madrid

12300 Lower Azusa Road, Arcadia, CA 91006

mmadrid@acwm.lacounty.gov

Fax#: (626) 350-7077

2.6 Proposers Conference

A **Mandatory Proposers Conference** will be held to discuss the RFP. County staff will respond to questions from potential Proposers. All potential Proposers **must** attend this conference or their proposals will be rejected (disqualified) without review and eliminated from further consideration. The conference is scheduled as follows:

Date: January 28, 2010
Time: 10:00 A.M.
Address: 12300 Lower Azusa Road,
Arcadia, CA 91006

2.7 Proposal Format

Proposals shall consist of all the Required Forms documents listed in RFP, APPENDIX D, REQUIRED FORMS, properly completed and in the order listed on

the Checklist (Required Form P-2). Proposal packets shall be held together with a single staple in the upper left part of the packet.

2.8 Proposal Submission

One (1) copy of the original Proposal shall be enclosed in a sealed envelope, plainly marked in the upper left corner with the name and address of the Proposer and bear the following words on the upper left corner under the return address:

“PROPOSAL FOR WEED ABATEMENT SERVICES”

The Proposal and any related information shall be delivered or mailed to:

Los Angeles County
Agricultural Commissioner/Weights and Measures Department
Attention: Myrna Madrid
12300 Lower Azusa Road
Arcadia, CA 91006-5872

2.9 Proposal Due Date

THE DEADLINE FOR RECEIPT OF PROPOSALS IS 5:00 P.M., February 11, 2010. Proposals must be received at the Department’s Main Headquarters by the deadline date and time. Postmarks will be disregarded. Proposals are mailed at the Proposer’s risk.

It is the sole responsibility of the submitting Proposer to ensure that its Proposal is received before the submission deadline. Submitting Proposers shall bear all risks associated with delays in delivery by any person or entity, including the U.S. Mail. Any Proposals received after the scheduled closing time for receipt of Proposals, as stated in Sub-paragraph 2.3, RFP Timetable, will not be accepted and returned to the sender unopened. Timely hand-delivered Proposals are acceptable. No facsimile (fax) copies will be accepted.

Until the Proposal submission deadline, errors in Proposals may be corrected by a request in writing to withdraw the Proposal and by submission of another set of Proposals with the mistakes corrected. Corrections will not be accepted once the deadline for submission of Proposals has passed.

3.0 SELECTION PROCESS AND EVALUATION CRITERIA

3.1 Selection Process

The County reserves the sole right to judge the contents of the proposals submitted pursuant to this RFP and to review, evaluate and select the successful proposal(s). The selection process will begin with receipt of the proposal on February 11, 2010.

The recommendation to award a Contract will not bind the Board of Supervisors to award a Contract to the prospective Contractor.

The County retains the right to select a Proposal other than the Proposal receiving the highest number of points if County determines, in its sole discretion, another Proposal is the most overall qualified, cost-effective, responsive, responsible and in the best interests of the County.

3.2 Adherence to Minimum Requirements (Pass/Fail)

County shall review the Proposer's Organization Questionnaire/Affidavit – APPENDIX D, REQUIRED FORMS, P-3, and determine if the Proposer meets the minimum requirements as outlined in Sub-paragraph 1.6 of this RFP.

Failure of the Proposer to comply with the minimum requirements may eliminate its proposal from any further consideration. The County may elect to waive any informality in a proposal if the sum and substance of the proposal is present.

3.3 Disqualification Review

A proposal may be disqualified from consideration because a Department determined it was non-responsive at any time during the review/evaluation process. If a Department determines that a proposal is disqualified due to non-responsiveness, the Department shall notify the Proposer in writing.

Upon receipt of the written determination of non-responsiveness, the Proposer may submit a written request for a Disqualification Review within the timeframe specified in the written determination.

A request for a Disqualification Review may, in the Department's sole discretion, be denied if the request does not satisfy all of the following criteria:

1. The person or entity requesting a Disqualification Review is a Proposer;
2. The request for a Disqualification Review is submitted timely (i.e., by the date and time specified in the written determination); and
3. The request for a Disqualification Review asserts that the Department's determination of disqualification due to non-responsiveness was erroneous (e.g. factual errors, etc.) and provides factual support on each ground asserted as well as copies of all documents and other material that support the assertions.

The Disqualification Review shall be completed and the determination shall be provided to the requesting Proposer, in writing, prior to the conclusion of the evaluation process.

3.4 Proposer References

As part of the Required Documents, Proposers are expected to submit three references from past or current contracts where the same or similar services were, or are being, provided. Information from the reference checks will be

used to help evaluate the Proposals and will contribute to the overall score. It is the Proposer's sole responsibility to ensure that the firm's name, and point of contact's name, title and phone number for each reference is accurate.

The County may disqualify a Proposer if information provided on the references proves false or misleading. Proposals may receive fewer points during the evaluation process if:

1. The references fail to substantiate Proposer's description of the services provided; or
2. The references fail to support that Proposer has a continuing pattern of providing capable, productive and skilled personnel; or
3. The Department is unable to reach the point of contact with reasonable effort. It is the Proposer's responsibility to inform the point of contact of that ACWM staff will be contacting them during normal working hours.

3.5 Evaluation Committee

Evaluation of the proposals will be made by an Evaluation Committee selected by the Department. The Committee will evaluate the proposals and will use the evaluation approach described herein to select a prospective Contractor.

All proposals will be evaluated based on the criteria listed below. Proposals will be scored and ranked in numerical sequence from high to low. The Evaluation Committee may utilize the services of appropriate subject matter experts to assist in this evaluation.

3.6 Proposal Scoring

The Evaluation Committee will rate proposals on a point system, subject to the County's right to disqualify incomplete and inadequate Proposals. Scoring will be based on information received from the Proposers. The Evaluation Committee will award the number of points it deems fair and appropriate within

the range of possible scores for each scoring category and will assign a composite score to each qualifying Proposal based upon the following weighted criteria:

Proposer's Qualifications – 42 percent
Proposer's Equipment and Personnel – 33 percent
Proposer's Cost – 25 percent

3.7 Items Considered by Evaluators

In determining how well Proposals meet the criteria outlined above, the Evaluation Committee will consider the following items:

1. Proposer's Qualifications

A maximum score of 420 points is possible for this category. Evaluators will consider the Proposer's ability to reliably provide services of a similar type and scope, and under similar conditions to the services being solicited, based on;

- experience from previous or current contracts
- reference verifications

Department contracts staff will perform a review of the Proposer's past three years of performance with our Department, if any. Documented poor performance may result in point deductions.

2. Proposer's Equipment and Personnel

A maximum score of 330 points is possible for this category. Evaluators will consider the Proposer's ability to reliably provide the services being solicited based on available staff and staff experience. In addition, Evaluators will be provided a score for the Proposer's listed equipment from Department Subject Matter Experts.

3. Proposer's Cost

A maximum score of 250 points is possible for this category. The maximum number of possible points will be awarded to the lowest cost proposal for each available contract. All other proposals will be compared to the lowest

cost and points awarded accordingly.

However, should one or more of the Proposers request and be granted the Local SBE Preference and/or Transitional Job Opportunities Preference, the cost component points will be determined as follows:

Local SBE Preference: Five percent (5%) of the lowest cost proposed will be calculated, which shall not exceed \$50,000, and that amount will be deducted from the Cost submitted by all Local SBE Proposers who requested and were granted the Local SBE Preference.

Transitional Job Opportunities Preference: Five percent (5%) of the lowest cost proposed will be calculated and that amount will be deducted from the Cost submitted by all Proposers who requested and were granted the Transitional Job Opportunities Preference.

3.8 Numerical Ranking

The Proposals shall be ranked in numerical sequence based on their composite scores derived from the evaluation process. The Director, in his sole discretion shall recommend proposals for acceptance by the County. The Director's recommendation does not constitute award of a contract since only the Board of Supervisors may do so.

3.9 Department's Proposed Contractor Selection Review

3.9.1 Departmental Debriefing Process

Upon completion of the evaluation, the Department shall notify the remaining Proposers in writing that the Department is entering negotiations with another Proposer. Upon receipt of the letter, any non-selected Proposer may submit a written request for a Debriefing within the timeframe specified in the letter. A request for a Debriefing may, in the Department's sole discretion, be denied if the request is not received within the specified timeframe.

The purpose of the Debriefing is to compare the requesting Proposer's response to the solicitation document with the evaluation document. The requesting Proposer shall be debriefed only on its response. Because contract negotiations are not yet complete, responses from other Proposers shall not be discussed, although the Department may inform the requesting Proposer of its relative ranking.

During or following the Debriefing, the Department will instruct the requesting Proposer of the manner and timeframe in which the requesting Proposer must notify the Department of its intent to request a Proposed Contractor Selection Review (see Section 3.9.2 below), if the requesting Proposer is not satisfied with the results of the Debriefing.

3.9.2 Proposed Contractor Selection Review

Any Proposer that has timely submitted a notice of its intent to request a Proposed Contractor Selection Review as described in this Section may submit a written request for a Proposed Contractor Selection Review, in the manner and timeframe as shall be specified by the Department.

A request for a Proposed Contractor Selection Review may, in the Department's sole discretion, be denied if the request does not satisfy all of the following criteria:

1. The person or entity requesting a Proposed Contractor Selection Review is a Proposer;
2. The request for a Proposed Contractor Selection Review is submitted timely (i.e., by the date and time specified by the Department);
3. The person or entity requesting a Proposed Contractor Selection

Review asserts in appropriate detail with factual reasons one or more of the following grounds for review:

- a. The Department materially failed to follow procedures specified in its solicitation document. This includes:
 - i. Failure to correctly apply the standards for reviewing the proposal format requirements.
 - ii. Failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the proposals as specified in the solicitation document.
 - iii. Use of evaluation criteria that were different from the evaluation criteria disclosed in the solicitation document.
 - b. The Department made identifiable mathematical or other errors in evaluating proposals, resulting in the Proposer receiving an incorrect score and not being selected as the recommended contractor.
 - c. A member of the Evaluation Committee demonstrated bias in the conduct of the evaluation.
 - d. Another basis for review as provided by state or federal law; and
4. The request for a Proposed Contractor Selection Review sets forth sufficient detail to demonstrate that, but for the Department's alleged failure, the Proposer would have been the lowest cost, responsive and responsible bid or the highest-scored proposal, as the case may be.

Upon completing the Proposed Contractor Selection Review, the Department representative shall issue a written decision to the Proposer

within a reasonable time following receipt of the request for a Proposed Contractor Selection Review, and always before the date the contract award recommendation is to be heard by the Board. The written decision shall additionally instruct the Proposer of the manner and timeframe for requesting a review by a County Review Panel (see Section 3.10 below).

3.10 County Review Panel Process

Any Proposer that is not satisfied with the results of the Proposed Contractor Selection Review may submit a written request for review by a County Review Panel in the manner and timeframe specified by the Department in the Department's written decision regarding the Proposed Contractor Selection Review.

A request for review by a County Review Panel may, in the County's sole discretion, be denied if the request does not satisfy all of the following criteria:

1. The person or entity requesting review by a County Review Panel is a Proposer;
2. The request for a review by a County Review Panel is submitted timely (i.e., by the date and time specified by the Department); and
3. The person or entity requesting review by a County Review Panel has limited the request to items raised in the Proposed Contractor Selection Review and new items that (a) arise from the Department's written decision and (b) are on of the appropriate grounds for requesting a Proposed Contractor Selection Review as listed in Section 3.9.2 above.

Upon completion of the County Review Panel's review, the Panel will forward its report to the Department, which will provide a copy to the Proposer.

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- APPENDIX H: LISTING OF CONTRACTORS DEBARRED IN LOS ANGELES
COUNTY
- APPENDIX I: IRS NOTICE 1015
- APPENDIX J: SAFELY SURRENDERED BABY LAW
- APPENDIX K: COUNTY'S DEFAULTED PROPERTY TAX REDUCTION
PROGRAM

1.0 INTRODUCTION

1.1 Purpose

The County of Los Angeles, Agricultural Commissioner/Weights and Measures Department is issuing this Request for Proposals (RFP) to solicit proposals for contracts with organizations which can provide reliable and cost effective weed, brush or rubbish removal services using mechanized equipment (tractors with specialized equipment such as discs or mowers) or work crews primarily using hand-held equipment such as weed eaters or chainsaws. This RFP is for 15 separate contracts based on the type of work or area. Interested proposers can submit a proposal on one or more of the contracts.

The work being solicited may be highly seasonal with peak demand occurring from approximately late spring through summer. The areas where work is to be performed vary by contract and can range from Countywide to specific geographic areas. More detailed information is provided in the RFP packet particularly in APPENDIX A (Sample Contract), APPENDIX B (Statement of Work) and APPENDIX C (Technical Exhibits).

1.2 RFP “Quick Facts” – Is this for you? (Read this first)

WHO ARE WE AND WHAT IS THIS REQUEST FOR PROPOSALS (RFP)?

We are the Los Angeles County, Department of Agricultural Commissioner/Weights and Measures (ACWM). One of our key missions is to provide safety from fires through a weed and brush abatement program which focuses on vacant properties throughout much of the County. We also provide rubbish abatement in certain areas of the County. While most of the 27,000 property owners involved in the program maintain their own properties free from hazardous weeds or brush, ACWM does the work on a significant number of them. Last year, we cleared over 3,800 acres using County crews or vendors working under contract with the department. This RFP is how ACWM solicits the vendors to do this important work.

We understand that the RFP and related documents can be difficult to read and can even be a little intimidating, especially if you are new to the system. For these reasons, we are providing you with this quick guide in plain language to help you decide if this is the kind of service you and your company are capable of providing and whether or not you should continue reading the entire RFP. This Quick Facts guide is for general information and does not supersede any requirements of the solicitation document or resulting contract.

WHAT ARE WE LOOKING FOR?

Basically, we are looking for reliable contractors who can provide weed or brush clearing using two main methods, which are: hand removal (handwork) and tractor clearing (tractor work). The following is more information on each one:

Handwork

Handwork contracts involve clearing of weeds or brush using hand-held equipment like weed eaters and chainsaws. In most cases, very dry weeds are simply “mulched down” using weed eaters and left on the property, while larger plants, branches, brush, etc., are removed and taken to a landfill. Depending on the specifics of the contract, brush and branches can also be chipped and left on site.

Most of the handwork contracts are for a specific region of the County, but some of them, like poison oak removal, may be for the entire County. If you don't want to travel long distances, the countywide contracts may not be for you.

For handwork contracts, the proposal, contract and work are by area and not by the job or by the hour. The area is a 100 square foot area we call a “unit.” In other words, if you submit a proposal, you will be telling us how much you will charge to clear 100 square feet of area. Contracts range from about 1,000 units to 45,000 units. If you get one of the contracts, expect individual jobs to

range in size from dozens to hundreds of units. More information on the weed abatement “unit” is provided in APPENDIX C (Technical Exhibits).

Work is assigned to a contractor in a “packet” containing maps and other information for up to dozens of vacant parcels of land which are to be cleared according to the contract or special instructions. The size of each job (number of “units”) is predetermined by ACWM. The contractor must complete the packet of work within a specified timeframe, usually 14 days. All of the work is expected to be performed independently by the contractor and his or her staff without direct supervision from ACWM personnel. After the work is done, someone from ACWM inspects the work and authorizes payment to the contractor.

[Tractor Work](#)

Tractor work contracts involve weed and brush clearing using tractors with attachments like discs and mowers. Most of the tractor **mowing** contracts require fairly standard, medium duty tractors with rubber tires. However, most of the tractor **discing** contracts require a very specialized type of track layer (crawler) tractor which may be difficult to obtain. There are some exceptions so read the STATEMENT OF WORK and information in the sections called *Tractor Contracts Available for 2010-2011*.

Most of the tractor work is proposed and worked by the hour. In other words, the contractor submits a proposal on the cost per hour to provide the equipment and personnel to transport and operate the equipment. Work is performed under the direct supervision of ACWM personnel.

There is a smaller amount of tractor work called “Square Foot” discing and “acreage” mowing that is proposed and worked by the area instead of by the hour. Under this type of contract, work is assigned to a Contractor in a “packet” containing maps and other information for up to dozens of vacant parcels of land which are to be cleared according to the STATEMENT OF WORK or

special instructions. The contractor must complete the packet of work within a specified timeframe, usually 14 days. All of the work is expected to be performed independently by the contractor and his or her staff without direct supervision from ACWM personnel. After the work is done, someone from ACWM inspects the work and authorizes payment to the contractor. Some of the Square Foot discing contracts also require hand trimming of weeds along sidewalks or other perimeters. Read the individual contracts carefully and ask us as many questions as necessary within the prescribed timeframe.

OTHER THINGS TO CONSIDER

Seasonal Workload

Since the main mission of ACWM's weed and brush abatement program is to provide timely fire protection, there is tremendous pressure to get most of the clearance work done *before* the fire season. This means most of the requests for work will be during the late spring and early summer. If you are already in the business of weed and brush removal, this could also be when most of your other clients are demanding work. One of the things you will need to consider is whether or not you are capable of handling this workload peak.

Submitting a Proposal On More Than One Contract

You may submit a proposal on more than one of the available contracts. However, the minimum requirements listed are for one contract. Therefore, in order to qualify for more than one contract, you must be able to clearly demonstrate your ability to handle the additional work.

Weather

All of our contracts are based on our best estimate of the upcoming season's rainfall as well as other factors like how many property owners are likely to do their own weed and brush abatement. Low rainfall can result in significant reductions in the amount of work we will need from a contractor.

Travel Time

Some of the contracts are for work in specific regions of the County and some are for work Countywide. Make sure you take into consideration the distance from your office or equipment yard.

1.3 Overview of Proposal Submission Procedures

- STEP 1** Read the RFP “Quick Facts,” (Section 1.2) of the RFP, to get a general idea if this is the kind of service your company can provide.
- STEP 2** Read RFP, Appendix B, STATEMENT OF WORK, Sections 4 and 5 to see what contracts are currently available.
- STEP 3** Read the RFP, Appendix A SAMPLE CONTRACT, and Appendix B, STATEMENT OF WORK, to make sure you can comply with all of the requirements.
- STEP 4** Decide which of the available contracts you would like to submit a Proposal on.
- STEP 5** Go to the RFP, Appendix D, and complete all of the Required Forms.
- STEP 6** Using the Appendix D REQUIRED FORMS Checklist (Form P-2), make sure you have completed all of the Required Forms.
- STEP 7** Send or deliver the all the Required Forms in a sealed packet, with the words “Proposal for Weed Abatement Services” on the upper left corner, to:

Los Angeles County
Agricultural Commissioner/Weights and Measures Department
Attn: Weed Abatement Division
12300 Lower Azusa Road
Arcadia, CA 91006-5872

- STEP 8** Register on the County’s WebVen (see RFP Section 1.12).

1.4 Overview of Solicitation Document

This Request for Proposals (RFP) is composed of the following parts:

- **INTRODUCTION:** Specifies the Proposer’s minimum requirements, provides information regarding the requirements of the Contract and the solicitation process.
- **PROPOSAL SUBMISSION REQUIREMENTS:** Includes instructions to Proposers in how to prepare and submit their proposal.

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- **SELECTION PROCESS AND EVALUATION CRITERIA:** Includes information on how the proposals will be selected and evaluated.
 - **APPENDICES:**
 - **A - SAMPLE CONTRACT:** Identifies the terms and conditions in the Contract.
 - **B - STATEMENT OF WORK:** Explains in detail the required services to be performed by the Contract.
 - **C - SOW TECHNICAL EXHIBITS:** Exhibits to the Statement of Work.
 - **D - REQUIRED FORMS:** Forms that must be completed and included in the proposal.
 - **E - TRANSMITTAL FORM TO REQUEST A SOLICITATION REQUIREMENTS REVIEW:** Transmittal sent to Department requesting a Solicitation Requirements Review
 - **F - COUNTY OF LOS ANGELES POLICY ON DOING BUSINESS WITH SMALL BUSINESS:** County policy.
 - **G - JURY SERVICE ORDINANCE:** County Code.
 - **H - LISTING OF CONTRACTORS DEBARRED IN LOS ANGELES COUNTY:** Contractors who are not allowed to contract with the County for a specific length of time.
 - **I - IRS NOTICE 1015:** Provides information on Federal Earned Income Credit.
 - **J - SAFELY SURRENDERED BABY LAW:** County program.
 - **K - COUNTY'S DEFAULTED PROPERTY TAX REDUCTION PROGRAM**

1.5 Terms and Definitions

Throughout this RFP, references are made to certain persons, groups, or Departments/Agencies. For convenience, a description of specific definitions can be found in APPENDIX A – SAMPLE CONTRACT and in APPENDIX B – STATEMENT OF WORK.

1.6 Minimum Mandatory Requirements

Interested and qualified Proposers that can demonstrate their ability to successfully provide the required services outlined in APPENDIX B, STATEMENT OF WORK, of this RFP are invited to submit Proposals, provided they meet the following requirements.

Proposers must have and list a minimum of two year's experience within the last ten years in the type and scope (amount, conditions, etc.) of work using the type of equipment required. A minimum of three contracts, for this listed experience, from at least two different companies or agencies, must be included in the Proposal using the forms provided (APPENDIX D, REQUIRED FORMS). Minimum requirements for equipment and personnel may vary from contract to contract. These additional minimum requirements are listed in APPENDIX B, STATEMENT OF WORK. Three references along with current contact information must be submitted using the forms provided (APPENDIX D, REQUIRED FORMS).

1.7 County Rights & Responsibilities

The County has the right to amend the RFP by written addendum. The County is responsible only for that which is expressly stated in the solicitation document and any authorized written addenda thereto. Such addendum shall be made available to each person or organization which County records indicate has received this RFP. Should such addendum require additional information not previously requested, failure to address the requirements of such addendum may result in the Proposal not being considered, as determined in the sole discretion of the County. The County is not responsible for and shall not be bound by any representations otherwise made by any individual acting or purporting to act on its behalf.

1.8 Contract Term

1.8.1 The Contract term shall be for a period of one (1) year. The Contract shall commence on July 1, 2010, following Board of Supervisors' award, and expire on June 30, 2011.

1.8.2 The Contract may be extended at the sole discretion of the Commissioner upon mutual agreement with the Contractor in writing for two (2) additional 12-month periods.

1.8.3 The Contract may be extended at the sole discretion of the Commissioner beyond the expiration date and upon mutual agreement with the Contractor in writing, on a month-to-month basis for a period of time not to exceed six (6) months. All terms of the contract in effect at the time of extending the term shall remain in effect for the duration of the extension.

1.9 Contract Rates

The Contractor's rates shall remain firm and fixed for the term of the Contract except as provided in 1.9.1 of this subsection.

1.9.1 Upon mutual agreement, in writing, between the Contractor and the Department, a contractor may be asked to perform work in an area other than that designated in his or her Contract. In this case, the Contractor will be compensated at the rate equal to the Contractor's existing contract, or at the rate established in the new area. If the County determines neither of these rates is in the best interest of the County, it may set a rate which is mutually agreed upon between the County and the Contractor.

1.10 Contact with County Personnel

All contact regarding this RFP or any matter relating thereto must be in writing and may be mailed, e-mailed or faxed as follows:

Myrna Madrid
12300 Lower Azusa Road, Arcadia, CA 91006
mmadrid@acwm.lacounty.gov
Fax#: (626) 350-7077

If it is discovered that Proposer contacted and received information from any County personnel, other than the person specified above, regarding this solicitation, County, in its sole determination, may disqualify their proposal from further consideration.

1.11 Final Contract Award by the Board of Supervisors

Notwithstanding a recommendation of a Department, agency, individual, or other, the Board of Supervisors retains the right to exercise its judgment concerning the selection of a proposal and the terms of any resultant agreement, and to determine which proposal best serves the interests of the County. The Board is the ultimate decision making body and makes the final determinations necessary to arrive at a decision to award, or not award, a contract.

1.12 Mandatory Requirement to Register on County's WebVen

Prior to a contract award, all potential Contractors must register in the County's WebVen. The WebVen contains the Vendor's business profile and identifies the goods/services the business provides. Registration can be accomplished online via the Internet by accessing the County's home page at http://lacounty.info/doing_business/main_db.htm. Proposal information is located under Class Code 988 and Sub-Class Code 98889.

1.13 County Option to Reject Proposals

The County may, at its sole discretion, reject any or all proposals submitted in response to this RFP. The County shall not be liable for any costs incurred by the Proposer in connection with the preparation and submission of any proposal. The County reserves the right to waive inconsequential disparities in a submitted proposal.

1.14 Protest Policy Review Process

1.14.1 Under Board Policy No. 5.055 (Services Contract Solicitation Protest), any prospective Proposer may request a review of the requirements under a solicitation for a Board-approved services contract, as described in Section 1.14.3 below. Additionally, any actual Proposer may request a review of a disqualification or of a proposed contract award under such a solicitation, as described respectively in the Sections below. Under any such review, it is the responsibility of the Proposer challenging the decision of a County Department to demonstrate that the Department committed a sufficiently material error in the solicitation process to justify invalidation of a solicitation or a proposed contract award, as the case may be.

1.14.2 Throughout the review process, the County has no obligation to delay or otherwise postpone an award of contract based on a Proposer protest. In all cases, the County reserves the right to make an award when it is determined to be in the best interest of the County of Los Angeles to do so.

1.14.3 Grounds for Review

Unless state or federal statutes or regulations otherwise provide, the grounds for review of a solicitation for a Board-approved services contract provided for under Board Policy No. 5.055 are limited to the

following:

- Review of Solicitation Requirements (Reference Sub-paragraph 2.4 in the Proposal Submission Requirements Section)
- Review of a Disqualified Proposal (Reference Sub-paragraph 3.3 in the Selection Process and Evaluation Criteria Section)
- Review of Proposed Contractor Selection (Reference Sub-paragraph 3.9 in the Selection Process and Evaluation Criteria Section)

1.15 Notice to Proposers Regarding the Public Records Act

1.15.1 Responses to this solicitation shall become the exclusive property of the County. Absent extraordinary circumstances, at such time as (a) with respect to the recommended Proposer's proposal, the Department completes contract negotiations and obtains a letter from an authorized officer of the recommended Proposer that the negotiated contract is a firm offer of the recommended Proposer, which shall not be revoked by the recommended Proposer pending the Department's completion of the process under Board Policy No. 5.055 and approval by the Board of Supervisors (Board) and (b) with respect to each Proposer requesting a County Review Panel, the County Review Panel convenes as a result of such Proposers' request, and (c) with respect to all other Proposers, The Department recommends the recommended Proposer(s) to the Board and such recommendation appears on the Board agenda, proposals submitted in response to this solicitation become a matter of public record, with the exception of those parts of each proposal which are justifiably defined as business or trade secrets, and, if by the proposer, plainly marked as "Trade Secret," "Confidential," or "Proprietary."

1.15.2 The County shall not, in any way, be liable or responsible for the disclosure of any such record or any parts thereof, if disclosure is required or permitted under the California Public Records Act or

otherwise by law. **A blanket statement of confidentiality or the marking of each page of the proposal as confidential shall not be deemed sufficient notice of exception. The Proposers must specifically label only those provisions of their respective proposal which are "Trade Secrets," "Confidential," or "Proprietary" in nature.**

1.16 Indemnification and Insurance

Contractor shall be required to comply with the indemnification provisions contained in the - APPENDIX A, SAMPLE CONTRACT, Sub-paragraph 8.21. The Contractor shall procure, maintain, and provide to the County proof of insurance coverage for all the programs of insurance along with associated amounts specified in the APPENDIX A, SAMPLE CONTRACT, Sub-paragraphs 8.22 and 8.23.

1.17 SPARTA Program

A County program, known as 'SPARTA' (Service Providers, Artisan and Tradesman Activities) may be able to assist potential Contractors in obtaining affordable liability insurance. The SPARTA Program is administered by the County's insurance broker, Municipality Insurance Services, Inc. For additional information, Proposers may call Municipality Insurance Services at (800) 420-0555, or can access their website directly at www.2sparta.com.

1.18 Injury & Illness Prevention Program (IIPP)

Contractor shall be required to comply with the State of California's Cal OSHA's regulations. Section 3203 of Title 8 in the California Code of Regulations requires all California employers to have a written, effective Injury and Illness Prevention Program (IIPP) that addresses hazards pertaining to the particular workplace covered by the program.

1.19 Conflict of Interest

No County employee whose position in the County enables him/her to influence the selection of a Contractor for this RFP, or any competing RFP, nor any spouse or economic dependent of such employees, shall be employed in any capacity by a Proposer or have any other direct or indirect financial interest in the selection of a Contractor. Proposer shall certify that he/she is aware of and has read Section 2.180.010 of the Los Angeles County Code as stated in APPENDIX D - REQUIRED FORMS, P-8, Certification of No Conflict of Interest.

1.20 Determination of Proposer Responsibility

- 1.20.1 A responsible Proposer is a Proposer who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity and experience to satisfactorily perform the contract. It is the County's policy to conduct business only with responsible Proposers.
- 1.20.2 Proposers are hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may determine whether the Proposer is responsible based on a review of the Proposer's performance on any contracts, including but not limited to County contracts. Particular attention will be given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by the Proposer against public entities. Labor law violations which are the fault of the subcontractors and of which the Proposer had no knowledge shall not be the basis of a determination that the Proposer is not responsible.
- 1.20.3 The County may declare a Proposer to be non-responsible for purposes of this contract if the Board of Supervisors, in its discretion, finds that the Proposer has done any of the following: (1) violated a term of a contract with the County or a nonprofit corporation created by the County; (2) committed an act or omission which negatively reflects on the Proposer's quality, fitness or capacity to perform a

contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same; (3) committed an act or omission which indicates a lack of business integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.

- 1.20.4 If there is evidence that the apparent highest ranked Proposer may not be responsible, the Department shall notify the Proposer in writing of the evidence relating to the Proposer's responsibility, and its intention to recommend to the Board of Supervisors that the Proposer be found not responsible. The Department shall provide the Proposer and/or the Proposer's representative with an opportunity to present evidence as to why the Proposer should be found to be responsible and to rebut evidence which is the basis for the Department's recommendation.
- 1.20.5 If the Proposer presents evidence in rebuttal to the Department, the Department shall evaluate the merits of such evidence, and based on that evaluation, make a recommendation to the Board of Supervisors. The final decision concerning the responsibility of the Proposer shall reside with the Board of Supervisors.
- 1.20.6 These terms shall also apply to proposed subcontractors of Proposers on County contracts.

1.21 Proposer Debarment

- 1.21.1 The Proposer is hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may debar the Proposer from bidding or proposing on, or being awarded, and/or performing work on other County contracts for a specified period of time, which

generally will not exceed five (5) years but may exceed five (5) years or be permanent if warranted by the circumstances, and the County may terminate any or all of the Proposer's existing contracts with County, if the Board of Supervisors finds, in its discretion, that the Proposer has done any of the following: (1) violated a term of a contract with the County or a nonprofit corporation created by the County; (2) committed an act or omission which negatively reflects on the Proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same; (3) committed an act or offense which indicates a lack of business integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.

1.21.2 If there is evidence that the apparent highest ranked Proposer may be subject to debarment, the Department shall notify the Proposer in writing of the evidence which is the basis for the proposed debarment, and shall advise the Proposer of the scheduled date for a debarment hearing before the Contractor Hearing Board.

1.21.3 The Contractor Hearing Board shall conduct a hearing where evidence on the proposed debarment is presented. The Proposer and/or Proposer's representative shall be given an opportunity to submit evidence at that hearing. After the hearing, the Contractor Hearing Board shall prepare a tentative proposed decision, which shall contain a recommendation regarding whether the Proposer should be debarred, and, if so, the appropriate length of time of the debarment. The Proposer and the Department shall be provided an opportunity to object to the tentative proposed decision prior to its presentation to the Board of Supervisors.

1.21.4 After consideration of any objections, or if no objections are received, a record of the hearing, the proposed decision and any other

recommendation of the Contractor Hearing Board shall be presented to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny or adopt the proposed decision and recommendation of the Contractor Hearing Board.

1.21.5 If a Proposer has been debarred for a period longer than five (5) years, that Proposer may, after the debarment has been in effect for at least five (5) years, submit a written request for review of the debarment determination to reduce the period of debarment or terminate the debarment. The County may, in its discretion, reduce the period of debarment or terminate the debarment if it finds that the Proposer has adequately demonstrated one or more of the following: (1) elimination of the grounds for which the debarment was imposed; (2) a bona fide change in ownership or management; (3) material evidence discovered after debarment was imposed; or (4) any other reason that is in the best interests of the County.

1.21.6 The Contractor Hearing Board will consider requests for review of a debarment determination only where (1) the Proposer has been debarred for a period longer than five (5) years; (2) the debarment has been in effect for at least five (5) years; and (3) the request is in writing, states one or more of the grounds for reduction of the debarment period or termination of the debarment, and includes supporting documentation. Upon receiving an appropriate request, the Contractor Hearing Board will provide notice of the hearing on the request. At the hearing, the Contractor Hearing Board shall conduct a hearing where evidence on the proposed reduction of debarment period or termination of debarment is presented. This hearing shall be conducted and the request for review decided by the Contractor Hearing Board pursuant to the same procedures as for a debarment hearing.

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- 1.21.7 The Contractor Hearing Board's proposed decision shall contain a recommendation on the request to reduce the period of debarment or terminate the debarment. The Contractor Hearing Board shall present its proposed decision and recommendation to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.
- 1.21.8 These terms shall also apply to proposed subcontractors of Proposers on County contracts.
- 1.21.9 APPENDIX H provides a link to the County's website where there is a listing of Contractors that are currently on the Debarment List for Los Angeles County.

1.22 Proposer's Adherence to County's Child Support Compliance Program

Proposers shall: 1) fully comply with all applicable State and Federal reporting requirements relating to employment reporting for its employees; and 2) comply with all lawfully served Wage and Earnings Assignment Orders and Notice of Assignment and continue to maintain compliance during the term of any contract that may be awarded pursuant to this solicitation. Failure to comply may be cause for termination of a contract or initiation of debarment proceedings against the non-compliant Contractor (County Code Chapter 2.202).

1.23 Gratuities

1.23.1 Attempt to Secure Favorable Treatment

It is improper for any County officer, employee or agent to solicit consideration, in any form, from a Proposer with the implication, suggestion or statement that the Proposer's provision of the

consideration may secure more favorable treatment for the Proposer in the award of the Contract or that the Proposer's failure to provide such consideration may negatively affect the County's consideration of the Proposer's submission. A Proposer shall not offer or give either directly or through an intermediary, consideration, in any form, to a County officer, employee or agent for the purpose of securing favorable treatment with respect to the award of the Contract.

1.23.2 Proposer Notification to County

A Proposer shall immediately report any attempt by a County officer, employee or agent to solicit such improper consideration. The report shall be made either to the County manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (800) 544-6861. Failure to report such a solicitation may result in the Proposer's submission being eliminated from consideration.

1.23.3 Form of Improper Consideration

Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

1.24 Notice to Proposers Regarding the County Lobbyist Ordinance

The Board of Supervisors of the County of Los Angeles has enacted an ordinance regulating the activities of persons who lobby County officials. This ordinance, referred to as the "Lobbyist Ordinance", defines a County Lobbyist and imposes certain registration requirements upon individuals meeting the definition. The complete text of the ordinance can be found in County Code Chapter 2.160. In effect, each person, corporation or other entity that seeks a County permit, license, franchise or contract must certify compliance with the ordinance. As part of this solicitation process, it will be the responsibility of each Proposer to review the ordinance independently as the text of said

ordinance is not contained within this RFP. Thereafter, each person, corporation or other entity submitting a response to this solicitation, must certify that each County Lobbyist, as defined by Los Angeles County Code Section 2.160.010, retained by the Proposer is in full compliance with Chapter 2.160 of the Los Angeles County Code and each such County Lobbyist is **not** on the Executive Office's List of Terminated Registered Lobbyists by completing and submitting the Familiarity with the County Lobbyist Ordinance Certification, as set forth in APPENDIX D - REQUIRED FORMS, P-9, as part of their proposal.

1.25 Federal Earned Income Credit

The Contractor shall notify its employees, and shall require each subcontractor to notify its employees, that they may be eligible for the Federal Earned Income Credit under the federal income tax laws. Such notice shall be provided in accordance with the requirements set forth in Internal Revenue Service Notice No. 1015. (APPENDIX I).

1.26 Consideration of GAIN/GROW Participants for Employment

As a threshold requirement for consideration for contract award, Proposers shall demonstrate a proven record of hiring participants in the County's Department of Public Social Services Greater Avenues for Independence (GAIN) or General Relief Opportunity for Work (GROW) Programs or shall attest to a willingness to consider GAIN/GROW participants for any future employment openings if they meet the minimum qualifications for that opening. Additionally, Proposers shall attest to a willingness to provide employed GAIN/GROW participants access to the Proposers' employee mentoring program, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities. Proposers who are unable to meet this requirement shall not be considered for contract award. Proposers shall complete and return the form, Attestation of Willingness to Consider GAIN/GROW Participants, as set forth in APPENDIX D - REQUIRED FORMS, P-12, along with their proposal.

1.27 County's Quality Assurance Plan

After contract award, the Department will evaluate the Contractor's performance under the contract twice per year. Such evaluations will include assessing Contractor's compliance with all terms in the Contract and performance standards identified in the Statement of Work. Contractor's deficiencies which the Department determines are severe or continuing and that may jeopardize performance of the Contract will be reported to the County's Board of Supervisors. The report will include improvement/corrective action measures taken by the Department and Contractor. If improvement does not occur consistent with the corrective action measures, the County may terminate the Contract in whole or in part, or impose other penalties as specified in the Contract. A copy of the Contractor Evaluation Form is available for review in APPENDIX C – TECHNICAL EXHIBITS.

1.28 Recycled Bond Paper

Proposer shall be required to comply with the County's policy on recycled bond paper as specified in APPENDIX A, SAMPLE CONTRACT, Sub-paragraph 8.35.

1.29 Safely Surrendered Baby Law

The Contractor shall notify and provide to its employees, and shall require each subcontractor to notify and provide to its employees, a fact sheet regarding the Safely Surrendered Baby Law, its implementation in Los Angeles County, and where and how to safely surrender a baby. The fact sheet is set forth in APPENDIX J of this solicitation document and is also available on the Internet at www.babysafela.org for printing purposes.

1.30 County Policy on Doing Business with Small Business

1.30.1 The County has multiple programs that address small businesses.
The Board of Supervisors encourages small business participation in

the County's contracting process by constantly streamlining and simplifying our selection process and expanding opportunities for small businesses to compete for our business.

1.30.2 The Local Small Business Enterprise Preference Program requires the Company to complete a certification process. This program and how to obtain certification are further explained in Sub-paragraph 1.32 of this Section.

1.30.3 The Jury Service and Living Wage Programs, provide exceptions to the Programs if a company qualifies as a Small Business. It is important to note that each Program has a different definition for Small Business. You may qualify as a Small Business in one Program but not the other. Further explanations of these two Programs are provided in Sub-paragraph 1.31 - Jury Service Program.

1.30.4 The County also has a Policy on Doing Business with Small Business that is outlined in APPENDIX F.

1.31 Jury Service Program

The prospective contract is subject to the requirements of the County's Contractor Employee Jury Service Ordinance ("Jury Service Program") (Los Angeles County Code, Chapter 2.203). Prospective Contractors should carefully read the Jury Service Ordinance, APPENDIX G, and the pertinent jury service provisions of the SAMPLE CONTRACT, APPENDIX A, Sub-paragraph 8.7, both of which are incorporated by reference into and made a part of this RFP. The Jury Service Program applies to both Contractors and their Subcontractors.

Proposals that fail to comply with the requirements of the Jury Service Program will be considered non-responsive and excluded from further consideration.

1.31.1 The Jury Service Program requires Contractors and their Subcontractors to have and adhere to a written policy that provides that its employees shall receive from the Contractor, on an annual basis, no less than five days of regular pay for actual jury service. The policy may provide that employees deposit any fees received for such jury service with the Contractor or that the Contractor deduct from the employee's regular pay the fees received for jury service. For purposes of the Jury Service Program, "employee" means any California resident who is a full-time employee of a Contractor and "full-time" means 40 hours or more worked per week, or a lesser number of hours if: 1) the lesser number is a recognized industry standard as determined by the County, or 2) the Contractor has a long-standing practice that defines the lesser number of hours as full-time. Therefore, the Jury Service Program applies to all of a Contractor's full-time California employees, even those not working specifically on the County project. Full-time employees providing short-term, temporary services of 90 days or less within a 12-month period are not considered full-time for purposes of the Jury Service Program.

1.31.2 There are two ways in which a Contractor might not be subject to the Jury Service Program. The first is if the Contractor does not fall within the Jury Service Program's definition of "Contractor". The Jury Service Program defines "Contractor" to mean a person, partnership, corporation or other entity which has a contract with the County or a Subcontract with a County Contractor and has received or will receive an aggregate sum of \$50,000 or more in any 12-month period under one or more County contracts or subcontracts. The second is if the Contractor meets one of the two exceptions to the Jury Service Program. The first exception concerns small businesses and applies to Contractors that have 1) ten or fewer employees; and, 2) annual gross revenues in the preceding twelve months which, if added to the annual amount of this Contract is less than \$500,000, and, 3) is not an

“affiliate or subsidiary of a business dominant in its field of operation”. The second exception applies to Contractors that possess a collective bargaining agreement that expressly supersedes the provisions of the Jury Service Program. The Contractor is subject to any provision of the Jury Service Program not expressly superseded by the collective bargaining agreement.

- 1.31.3 If a Contractor does not fall within the Jury Service Program’s definition of “Contractor” or if it meets any of the exceptions to the Jury Service Program, then the Contractor must so indicate in the Certification Form and Application for Exception, APPENDIX D - Required Form P-13, and include with its submission all necessary documentation to support the claim such as tax returns or a collective bargaining agreement, if applicable. Upon reviewing the Contractor’s application, the County will determine, in its sole discretion, whether the Contractor falls within the definition of Contractor or meets any of the exceptions to the Jury Service Program. The County’s decision will be final.

1.32 Local Small Business Enterprise Preference Program

- 1.32.1 The County will give Local SBE preference during the solicitation process to businesses that meet the definition of a Local Small Business Enterprise (Local SBE), consistent with Chapter 2.204.030C.1 of the Los Angeles County Code. A Local SBE is defined as: 1) A business certified by the State of California as a small business and 2) has had its principal office located in Los Angeles County for at least one year. The business must be certified by the Office of Affirmative Action Compliance as meeting the requirements set forth in 1 and 2 above prior to requesting the Local SBE Preference in a solicitation.
- 1.32.2 To apply for certification as a Local SBE, businesses may register at the Office of Affirmative Action Compliance’s web-site at:

1.32.3 Certified Local SBEs must request the SBE Preference in their solicitation responses and may not request the preference unless the certification process has been completed and certification affirmed. Businesses must attach the Local SBE Certification Letter to the Required Form - Request for Local SBE Preference Program Consideration and CBE Firm/Organization Information Form – P-10 in APPENDIX D - REQUIRED FORMS. with their proposal. Sanctions and financial penalties may apply to a business that knowingly, and with intent to defraud, seeks to obtain or maintain certification as a certified Local SBE.

1.32.4 Information about the State's small business enterprise certification regulations is in the California Code of Regulations, Title 2, Subchapter 8, Section 1896 et seq., and is also available on the California Department of General Services Office of Small Business Certification and Resources Web site at <http://www.pd.dgs.ca.gov/smbus/default>.

1.33 Local Small Business Enterprise (SBE) Prompt Payment Program

It is the intent of the County that Certified Local SBEs receive prompt payment for services they provide to County Departments. Prompt payment is defined as 15 calendar days after receipt of an undisputed invoice.

1.34 Notification to County of Pending Acquisitions/Mergers by Proposing Company

The Proposer shall notify the County of any pending acquisitions/mergers of their company. This information shall be provided by the Proposer on Required Form P-3 - *Proposer's Organization Questionnaire/Affidavit*. Failure of the Proposer to provide this information may eliminate its proposal from any further

consideration.

1.35 Transitional Job Opportunities Preference Program

- 1.35.1 In evaluating proposals, the County will give preference to businesses that are certified by the County as Transitional Job Opportunity vendors, consistent with Chapter 2.205 of the Los Angeles County Code. A Certified Transitional Job Opportunity vendor is, and has been such for three (3) years, an entity: 1) that is a non-profit organization recognized as tax exempt pursuant to section 501 (c) (3) of the Internal Revenue Services Code; set forth, under penalty of perjury, such information as requested by the County on either electronic or hard copy forms, along with their application form and three most recent annual tax returns to the Department with their proposal response to the contracting solicitation for which they are competing; 2) has been in operation for at least one year providing transitional job and the related supportive services to program participants; and 3) provide a profile of their program with a description of their program components designed to assist program participants, number of past program participants, and any other information requested by a contracting Department.
- 1.35.2 Transitional Job Opportunities vendors must request the preference in their solicitation response and may not receive the preference until their certification has been affirmed by the applicable Department. County must verify the Transitional Job Opportunity vendor certification prior to applying the preference. Sanctions and financial penalties may apply to a Proposer that knowingly and with intent to defraud seeks to obtain or maintain certification as a Transitional Job Opportunities vendor.
- 1.35.3 To request the Transitional Job Opportunities Preference, Proposer must complete the Transitional Job Opportunities Preference

Application – APPENDIX D – REQUIRED FORMS, P-16, and submit it along with all supporting documentation with their proposal.

1.36 Defaulted Property Tax Reduction Program

The prospective contract is subject to the requirements of the County's Defaulted Property Tax Reduction Program ("Defaulted Tax Program") (Los Angeles County Code, Chapter 2.206). Prospective Contractors should carefully read the Defaulted Tax Program Ordinance, APPENDIX K, and the pertinent provisions of APPENDIX A, SAMPLE CONTRACT, sub-paragraph 8.46 and 8.47, both of which are incorporated by reference into and made a part of this solicitation. The Defaulted Tax Program applies to both Contractors and their Subcontractors.

Proposers shall be required to certify that they are in full compliance with the provisions of the Defaulted Tax Program and shall maintain compliance during the term of any contract that may be awarded pursuant to this solicitation or shall certify that they are exempt from the Defaulted Tax Program by completing Required Form P-17, *Certification of Compliance with The County's Defaulted Property Tax Reduction Program*, in APPENDIX D – REQUIRED FORMS. Failure to maintain compliance, or to timely cure defects, may be cause for termination of a contract or initiation of debarment proceedings against the non-compliance contractor (Los Angeles County Code, Chapter 2.202).

Proposals that fail to comply with the certification requirements of the Defaulted Tax Program will be considered non-responsive and excluded from further consideration.

2.0 PROPOSAL SUBMISSION REQUIREMENTS

This Section contains key project dates and activities as well as instructions to Proposers in how to prepare and submit their proposal.

2.1 County Responsibility

The County is not responsible for representations made by any of its officers or employees prior to the execution of the Contract unless such understanding or representation is included in the Contract.

2.2 Truth and Accuracy of Representations

False, misleading, incomplete, or deceptively unresponsive statements in connection with a proposal shall be sufficient cause for rejection of the proposal. The evaluation and determination in this area shall be at the Director's sole judgment and his/her judgment shall be final.

2.3 RFP Timetable

The timetable for this RFP is as follows:

- Release of RFP December 30, 2009
- Request for a Solicitation Requirements Review Due January 14, 2010
- Written Questions Due January 25, 2010
- **Mandatory** Proposers Conference..... January 28, 2010
- Questions and Answers Released February 4, 2010
- **Proposals due by:**

February 11, 2010 at 5:00 P.M., Pacific Standard Time

2.4 Solicitation Requirements Review

Any person or entity may seek a Solicitation Requirements Review by submitting APPENDIX E - Transmittal Form to Request a Solicitation

Requirements Review to the Department conducting the solicitation as described in this Section. A request for a Solicitation Requirements Review may be denied, in the Department's sole discretion, if the request does not satisfy all of the following criteria:

1. The request for a Solicitation Requirements Review is made within ten (10) business days of the issuance of the solicitation document;
2. The request for a Solicitation Requirements Review includes documentation, which demonstrates the underlying ability of the person or entity to submit a proposal.
3. The request for a Solicitation Requirements Review itemizes in appropriate detail, each matter contested and factual reasons for the requested review; and
4. The request for a Solicitation Requirements Review asserts either that:
 - a. application of the minimum requirements, evaluation criteria and/or business requirements unfairly disadvantages the person or entity; or,
 - b. due to unclear instructions, the process may result in the County not receiving the best possible responses from prospective Proposers.

The Solicitation Requirements Review shall be completed and the Department's determination shall be provided to the requesting person or entity, in writing, within a reasonable time prior to the proposal due date.

2.5 Proposers' Questions

Proposers may submit written questions regarding this RFP by mail, fax or e-mail to the individual identified below. All questions must be received by January 25, 2010. All questions, without identifying the submitting company,

will be discussed during the mandatory Proposers Conference. As appropriate, answers will be compiled and issued as a written addendum to the RFP.

When submitting questions, please specify the RFP section number, paragraph number, and page number and quote the language that prompted the question. This will ensure that the question can be quickly found in the RFP. County reserves the right to group similar questions when providing answers.

Questions may address concerns that the application of minimum requirements, evaluation criteria and/or business requirements would unfairly disadvantage Proposers or, due to unclear instructions, may result in the County not receiving the best possible responses from Proposer.

Questions should be addressed to:

Myrna Madrid

12300 Lower Azusa Road, Arcadia, CA 91006

mmadrid@acwm.lacounty.gov

Fax#: (626) 350-7077

2.6 Proposers Conference

A **Mandatory Proposers Conference** will be held to discuss the RFP. County staff will respond to questions from potential Proposers. All potential Proposers **must** attend this conference or their proposals will be rejected (disqualified) without review and eliminated from further consideration. The conference is scheduled as follows:

Date: January 28, 2010
Time: 10:00 A.M.
Address: 12300 Lower Azusa Road,
Arcadia, CA 91006

2.7 Proposal Format

Proposals shall consist of all the Required Forms documents listed in RFP, APPENDIX D, REQUIRED FORMS, properly completed and in the order listed on

the Checklist (Required Form P-2). Proposal packets shall be held together with a single staple in the upper left part of the packet.

2.8 Proposal Submission

One (1) copy of the original Proposal shall be enclosed in a sealed envelope, plainly marked in the upper left corner with the name and address of the Proposer and bear the following words on the upper left corner under the return address:

“PROPOSAL FOR WEED ABATEMENT SERVICES”

The Proposal and any related information shall be delivered or mailed to:

Los Angeles County
Agricultural Commissioner/Weights and Measures Department
Attention: Myrna Madrid
12300 Lower Azusa Road
Arcadia, CA 91006-5872

2.9 Proposal Due Date

THE DEADLINE FOR RECEIPT OF PROPOSALS IS 5:00 P.M., February 11, 2010. Proposals must be received at the Department’s Main Headquarters by the deadline date and time. Postmarks will be disregarded. Proposals are mailed at the Proposer’s risk.

It is the sole responsibility of the submitting Proposer to ensure that its Proposal is received before the submission deadline. Submitting Proposers shall bear all risks associated with delays in delivery by any person or entity, including the U.S. Mail. Any Proposals received after the scheduled closing time for receipt of Proposals, as stated in Sub-paragraph 2.3, RFP Timetable, will not be accepted and returned to the sender unopened. Timely hand-delivered Proposals are acceptable. No facsimile (fax) copies will be accepted.

Until the Proposal submission deadline, errors in Proposals may be corrected by a request in writing to withdraw the Proposal and by submission of another set of Proposals with the mistakes corrected. Corrections will not be accepted once the deadline for submission of Proposals has passed.

3.0 SELECTION PROCESS AND EVALUATION CRITERIA

3.1 Selection Process

The County reserves the sole right to judge the contents of the proposals submitted pursuant to this RFP and to review, evaluate and select the successful proposal(s). The selection process will begin with receipt of the proposal on February 11, 2010.

The recommendation to award a Contract will not bind the Board of Supervisors to award a Contract to the prospective Contractor.

The County retains the right to select a Proposal other than the Proposal receiving the highest number of points if County determines, in its sole discretion, another Proposal is the most overall qualified, cost-effective, responsive, responsible and in the best interests of the County.

3.2 Adherence to Minimum Requirements (Pass/Fail)

County shall review the Proposer's Organization Questionnaire/Affidavit – APPENDIX D, REQUIRED FORMS, P-3, and determine if the Proposer meets the minimum requirements as outlined in Sub-paragraph 1.6 of this RFP.

Failure of the Proposer to comply with the minimum requirements may eliminate its proposal from any further consideration. The County may elect to waive any informality in a proposal if the sum and substance of the proposal is present.

3.3 Disqualification Review

A proposal may be disqualified from consideration because a Department determined it was non-responsive at any time during the review/evaluation process. If a Department determines that a proposal is disqualified due to non-responsiveness, the Department shall notify the Proposer in writing.

Upon receipt of the written determination of non-responsiveness, the Proposer may submit a written request for a Disqualification Review within the timeframe specified in the written determination.

A request for a Disqualification Review may, in the Department's sole discretion, be denied if the request does not satisfy all of the following criteria:

1. The person or entity requesting a Disqualification Review is a Proposer;
2. The request for a Disqualification Review is submitted timely (i.e., by the date and time specified in the written determination); and
3. The request for a Disqualification Review asserts that the Department's determination of disqualification due to non-responsiveness was erroneous (e.g. factual errors, etc.) and provides factual support on each ground asserted as well as copies of all documents and other material that support the assertions.

The Disqualification Review shall be completed and the determination shall be provided to the requesting Proposer, in writing, prior to the conclusion of the evaluation process.

3.4 Proposer References

As part of the Required Documents, Proposers are expected to submit three references from past or current contracts where the same or similar services were, or are being, provided. Information from the reference checks will be

used to help evaluate the Proposals and will contribute to the overall score. It is the Proposer's sole responsibility to ensure that the firm's name, and point of contact's name, title and phone number for each reference is accurate.

The County may disqualify a Proposer if information provided on the references proves false or misleading. Proposals may receive fewer points during the evaluation process if:

1. The references fail to substantiate Proposer's description of the services provided; or
2. The references fail to support that Proposer has a continuing pattern of providing capable, productive and skilled personnel; or
3. The Department is unable to reach the point of contact with reasonable effort. It is the Proposer's responsibility to inform the point of contact of that ACWM staff will be contacting them during normal working hours.

3.5 Evaluation Committee

Evaluation of the proposals will be made by an Evaluation Committee selected by the Department. The Committee will evaluate the proposals and will use the evaluation approach described herein to select a prospective Contractor.

All proposals will be evaluated based on the criteria listed below. Proposals will be scored and ranked in numerical sequence from high to low. The Evaluation Committee may utilize the services of appropriate subject matter experts to assist in this evaluation.

3.6 Proposal Scoring

The Evaluation Committee will rate proposals on a point system, subject to the County's right to disqualify incomplete and inadequate Proposals. Scoring will be based on information received from the Proposers. The Evaluation Committee will award the number of points it deems fair and appropriate within

the range of possible scores for each scoring category and will assign a composite score to each qualifying Proposal based upon the following weighted criteria:

Proposer's Qualifications – 42 percent
Proposer's Equipment and Personnel – 33 percent
Proposer's Cost – 25 percent

3.7 Items Considered by Evaluators

In determining how well Proposals meet the criteria outlined above, the Evaluation Committee will consider the following items:

1. Proposer's Qualifications

A maximum score of 420 points is possible for this category. Evaluators will consider the Proposer's ability to reliably provide services of a similar type and scope, and under similar conditions to the services being solicited, based on;

- experience from previous or current contracts
- reference verifications

Department contracts staff will perform a review of the Proposer's past three years of performance with our Department, if any. Documented poor performance may result in point deductions.

2. Proposer's Equipment and Personnel

A maximum score of 330 points is possible for this category. Evaluators will consider the Proposer's ability to reliably provide the services being solicited based on available staff and staff experience. In addition, Evaluators will be provided a score for the Proposer's listed equipment from Department Subject Matter Experts.

3. Proposer's Cost

A maximum score of 250 points is possible for this category. The maximum number of possible points will be awarded to the lowest cost proposal for each available contract. All other proposals will be compared to the lowest

cost and points awarded accordingly.

However, should one or more of the Proposers request and be granted the Local SBE Preference and/or Transitional Job Opportunities Preference, the cost component points will be determined as follows:

Local SBE Preference: Five percent (5%) of the lowest cost proposed will be calculated, which shall not exceed \$50,000, and that amount will be deducted from the Cost submitted by all Local SBE Proposers who requested and were granted the Local SBE Preference.

Transitional Job Opportunities Preference: Five percent (5%) of the lowest cost proposed will be calculated and that amount will be deducted from the Cost submitted by all Proposers who requested and were granted the Transitional Job Opportunities Preference.

3.8 Numerical Ranking

The Proposals shall be ranked in numerical sequence based on their composite scores derived from the evaluation process. The Director, in his sole discretion shall recommend proposals for acceptance by the County. The Director's recommendation does not constitute award of a contract since only the Board of Supervisors may do so.

3.9 Department's Proposed Contractor Selection Review

3.9.1 Departmental Debriefing Process

Upon completion of the evaluation, the Department shall notify the remaining Proposers in writing that the Department is entering negotiations with another Proposer. Upon receipt of the letter, any non-selected Proposer may submit a written request for a Debriefing within the timeframe specified in the letter. A request for a Debriefing may, in the Department's sole discretion, be denied if the request is not received within the specified timeframe.

The purpose of the Debriefing is to compare the requesting Proposer's response to the solicitation document with the evaluation document. The requesting Proposer shall be debriefed only on its response. Because contract negotiations are not yet complete, responses from other Proposers shall not be discussed, although the Department may inform the requesting Proposer of its relative ranking.

During or following the Debriefing, the Department will instruct the requesting Proposer of the manner and timeframe in which the requesting Proposer must notify the Department of its intent to request a Proposed Contractor Selection Review (see Section 3.9.2 below), if the requesting Proposer is not satisfied with the results of the Debriefing.

3.9.2 Proposed Contractor Selection Review

Any Proposer that has timely submitted a notice of its intent to request a Proposed Contractor Selection Review as described in this Section may submit a written request for a Proposed Contractor Selection Review, in the manner and timeframe as shall be specified by the Department.

A request for a Proposed Contractor Selection Review may, in the Department's sole discretion, be denied if the request does not satisfy all of the following criteria:

1. The person or entity requesting a Proposed Contractor Selection Review is a Proposer;
2. The request for a Proposed Contractor Selection Review is submitted timely (i.e., by the date and time specified by the Department);
3. The person or entity requesting a Proposed Contractor Selection

Review asserts in appropriate detail with factual reasons one or more of the following grounds for review:

- a. The Department materially failed to follow procedures specified in its solicitation document. This includes:
 - i. Failure to correctly apply the standards for reviewing the proposal format requirements.
 - ii. Failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the proposals as specified in the solicitation document.
 - iii. Use of evaluation criteria that were different from the evaluation criteria disclosed in the solicitation document.
 - b. The Department made identifiable mathematical or other errors in evaluating proposals, resulting in the Proposer receiving an incorrect score and not being selected as the recommended contractor.
 - c. A member of the Evaluation Committee demonstrated bias in the conduct of the evaluation.
 - d. Another basis for review as provided by state or federal law; and
4. The request for a Proposed Contractor Selection Review sets forth sufficient detail to demonstrate that, but for the Department's alleged failure, the Proposer would have been the lowest cost, responsive and responsible bid or the highest-scored proposal, as the case may be.

Upon completing the Proposed Contractor Selection Review, the Department representative shall issue a written decision to the Proposer

within a reasonable time following receipt of the request for a Proposed Contractor Selection Review, and always before the date the contract award recommendation is to be heard by the Board. The written decision shall additionally instruct the Proposer of the manner and timeframe for requesting a review by a County Review Panel (see Section 3.10 below).

3.10 County Review Panel Process

Any Proposer that is not satisfied with the results of the Proposed Contractor Selection Review may submit a written request for review by a County Review Panel in the manner and timeframe specified by the Department in the Department's written decision regarding the Proposed Contractor Selection Review.

A request for review by a County Review Panel may, in the County's sole discretion, be denied if the request does not satisfy all of the following criteria:

1. The person or entity requesting review by a County Review Panel is a Proposer;
2. The request for a review by a County Review Panel is submitted timely (i.e., by the date and time specified by the Department); and
3. The person or entity requesting review by a County Review Panel has limited the request to items raised in the Proposed Contractor Selection Review and new items that (a) arise from the Department's written decision and (b) are on of the appropriate grounds for requesting a Proposed Contractor Selection Review as listed in Section 3.9.2 above.

Upon completion of the County Review Panel's review, the Panel will forward its report to the Department, which will provide a copy to the Proposer.